

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 03-22046-CIV-JORDAN

JUAN A. SALINAS AND LUCILA
FUENTES

Plaintiffs

vs.

SUE ANN RAMSEY AND
HILDA RAMSEY

Defendants

**PLAINTIFF'S MOTION FOR DEFENDANT SUE ANN RAMSEY, TO COMPLETE
FACT INFORMATION SHEET IN AID OF EXECUTION PURSUANT TO FLORIDA
RULE OF CIVIL PROCEDURE 1.560 AND 1.977**

Comes Now Plaintiff, by and through undersigned counsel, pursuant to Florida Rule of Civil Procedure 1.560 and 1.977 and respectfully requests that the Court enter an order requiring Defendant, Sue Ann Ramsey to accurately and truthfully complete form 1.977 within 30 days and in support thereof states as follows:

1. Plaintiff obtained a final judgment against Defendant, Sue Ann Ramsey on September 23, 2004 for a total amount of \$8,325 [D.E. 38].
2. Plaintiffs' Counsel obtained an award for attorney's fees and costs for \$12,930.00 [D.E. 41].
3. "Florida's procedure in aid of execution governs the instant action. See Fed. R. Civ. P. 69." *DiFrancesco v. Home Furniture Liquidators, Inc.*, 2009 U.S. Dist. LEXIS 736 (S.D. Fla. Jan. 6, 2009).
4. Pursuant to Florida Rule of Civil Procedure 1.560, Plaintiff requests that Defendants, Sue Ann Ramsey, complete the attached form 1.977 [Exhibit A] within 30 days and provide the requested documentation within 30 days.

5. Florida Rule of Civil Procedure 1.560 states:

(a) In General. In aid of a judgment, decree, or execution the judgment creditor or the successor in interest, when that interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner provided in these rules.

(b) Fact Information Sheet. In addition to any other discovery available to a judgment creditor under this rule, the court, at the request of the judgment creditor, shall order the judgment debtor or debtors to complete form 1.977, including all required attachments, within 45 days of the order or such other reasonable time as determined by the court. Failure to obey the order may be considered contempt of court.

(c) Final Judgment Enforcement Paragraph. In any final judgment, the judge shall include the following enforcement paragraph if requested by the prevailing party or attorney:

“It is further ordered and adjudged that the judgment debtor(s) shall complete under oath Florida Rule of Civil Procedure Form 1.977 (Fact Information Sheet), including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney, within 45 days from the date of this final judgment, unless the final judgment is satisfied or post-judgment discovery is stayed.

Jurisdiction of this case is retained to enter further orders that are proper to compel the judgment debtor(s) to complete form 1.977, including all required attachments, and serve it on the judgment creditor’s attorney, or the judgment creditor if the judgment creditor is not represented by an attorney.”

6. In order to help aid Plaintiff in collection of the judgment, Plaintiff respectfully requests that the Court order Defendant, Sue Ann Ramsey, to complete form 1.977 within 30 days.

Wherefore, Plaintiff respectfully requests that the Court enter an Order requiring Defendant, Sue Ann Ramsey, to complete form 1.977 within 30 days.

Respectfully Submitted,

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By: /s/ J.H. Zidell _____
J.H. Zidell, Esq
Florida Bar Number: 0010121

CERTIFICATE OF SERVICE:

I hereby certify that a true and correct copy of the foregoing Plaintiffs' Notice was sent via U.S. mail to Sue Ann Ramsey, 61 The Glens Blvd., Banner Elk, NC 28604 and 1212 Weybridge LN B, Dunedin, Florida 34698 on this 15th day of May, 2015.

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